

DRAFT

Governor's Blue Ribbon Water Task Force

Meeting Notes July 27-28, 2005 Albuquerque, NM

Attendees: Consuelo Bokum, Brian Burnett, Stan Bulsterbaum, John D'Antonio, Frank Chavez, Wayne Cunningham, Peter Davies, Jim Dunlap, Stephen Farris, Steve Hernandez, Eileen Grevey Hillson, Lisa Henne, Howard Hutchinson, John Leeper, Elmer Lincoln, Paul Paryski, Tanya Trujillo, Estevan Lopez, Sarah Kotchian, and Karin Stengl attended the meeting. Guests included Ray Gilmore, Katie Gilbert, Ray Benally and Jason John of the Navajo Nation Water Rights Commission and Navajo Nation Department of Water Resources.

The next meeting of the BRWTF will be August 24-25, 2005 at the OSE/ISC offices (121 Tijeras, Albuquerque, NM).

NOTE: The September meeting has been cancelled due to various schedule conflicts. The Deming trip has been tentatively rescheduled for October 17-18 to coincide with the WRRRI conference in Las Cruces (October 19-20).

Discussion of the Navajo Settlement Agreement

The July Blue Ribbon Water Task Force meeting focused on the immediate need to build support for the Navajo Nation Water Rights Settlement and the long term need for support for all Indian water rights settlements.

Presentation by Estevan Lopez: Revised Proposed Navajo Settlement Agreement

Please refer to presentation at <http://eweb.lanl.gov/blueribbon.htm> for a summary of the revised settlement agreement.

Comments from Representatives of the Navajo Nation Water Rights Commission:

Cost is the biggest issue in the settlement. Other significant issues include source supply for Gallup, and the hydrologic determination of whether there is enough water for the settlement.

Benefits of the Navajo Settlement Agreement

For Navajo Nation:

- Defines Navajo rights in exchange for releasing claims that could impact existing users
- Protects current water users
- Develops new projects
- Provides for irrigation water (Hogback and Fruitland)
- Provides water to residents that currently lack running potable water

For State:

- Avoids expensive litigation
- Does not displace existing users
- Provides Gallup with water supply
- Protects existing and authorized uses in the basin
- Protects existing and authorized uses for San Juan Chama water
- No impact on interstate compacts

All Users:

- Ends uncertainty on Navajo claim for San Juan Chama users (e.g. Albuquerque) and other states

Settlement Funding Issues

The following points were made concerning funding issues for the Navajo and other settlements:

- Better information on the national context and degree of federal obligation is needed to support negotiations for water rights settlements and an understanding of the financial limits for settlements.
- The federal and national responsibility needs to be clarified.
- Some type of federal settlement fund will likely be needed to manage the federal portion of the numerous water rights settlements in the western US.
- OSE/ISC needs to be equitable in the degree of effort expended for each settlement.
- Funding of settlements will require bi-partisan support.
- The settlement process is a long-term (20+ years) project and will likely outlast the current budget situation.
- There is a need for creative funding solutions at the federal level.
- Funding requests are coming at a time of budget squeeze – congressional delegates get numerous requests.
- There is a need to evaluate the level of support for the settlement by other western states, and to build a coalition of states to help with sequencing of settlements and gaining federal support.

- Congressional backing for federal legislation for funding is needed, which will require an ongoing cooperative dialogue with congressional delegates.
- Time is critical.
- A cost/benefit analysis of the settlement needs to be developed, and should include cost avoidance from litigation, and cost of displacing current users.
- The multi-state aspects of the Navajo Settlement are unique and should play into the funding strategy.

Potential Supporters of Navajo Settlement

Task Force members discussed the need to build a broad base of support within New Mexico for funding the Navajo Nation Water Rights Settlement. Entities that have an interest in the outcome of the Navajo settlement include:

- Navajo Nation (primary contacts: John Leeper, Ray Benally, or Jason John)
- OSE/ISC
- Attorney General
- Department of Public Health
- Gallup
- Jicarilla
- Farmington
- San Juan water Commission
- Albuquerque and other San Juan Chama users (Santa Fe)
- Legislative Delegation
- National Rural Water Board
- Department of Agriculture
- Economic Development
- Indian Affairs Department

The following entities were identified as potential key players in efforts to build a support base for a national strategy for funding of Indian water rights settlements:

- Western state governors
- Western States Water Council
- Association of Western States Engineers
- National Association of Attorneys General
- Western Interstate Region (WIR) part of National Association of Counties
- Western Caucus
- Western States Association of Conservation Districts
- National Congress of the American Indian

- Association of Commerce and Industry

Strategies for Generating Local and National Interest in the Settlement

Task Force members discussed the need to raise the level of public interest in and support for the Navajo Settlement. The following strategies and approaches were suggested and will be the topic of further discussions:

- Draw on the human interest aspects of the settlement (e.g., largest population of people in the US without running water)
- Produce a documentary video (or film contest for kids) to increase public awareness and gain public support for settlement
- Use a summit or Town Hall process to increase public interest
- Craft and recraft message to target different audiences
 - Use focus groups to develop messages
- Pitch story to out-of-state media
 - NY Times editorial board
 - Cable networks (MSNBC, CNN, etc.)
 - 60 minutes, dateline (15 minute segments)
 - Oprah
- Create media events in the Navajo Settlement area and invite state governors and delegates to tour the area.
- Tie in with Year of the Child – demonstrate benefits to children of settlement
- Partner with business community
- Link settlements to the state water plan

Estimated costs associated with different options:

- 5-10 minute video (couple with news conference and tour of the area) = \$20K
- re-edit existing footage, do a mailing with DVD and news release = @5-6K
- fact sheets – media kits = \$3K with ad agency

Potential Role and Activities of Blue Ribbon Task Force

In discussions of how the Task Force might assist in efforts to secure funding for the Navajo Settlement and Indian Water Rights settlements in general, the following points were raised:

- Task Force needs feedback from Governor Richardson before actively pursuing this issue.
- The primary focus areas of the task force would likely be global settlement issues (e.g. identifying a national funding source, developing a national support base for funding settlements) and building a broad base of support within New Mexico for the Navajo Settlement.

- The Navajo Nation needs to be a leader in this effort, and must be kept informed of Task Force activities.

As a starting point, Task Force members proposed developing a set of basic information that would be made available to support the efforts of entities such as the Navajo Nation and the OSE/ISC. This set of basic information would include items such as:

- contact list
- potential funding mechanisms
- timelines and critical time constraints (e.g. federal authorizing legislation)
- information about what is being done in other western states
- list of associations that might support the settlement

A teleconference among interested Task Force members and OSE/ISC staff was proposed to further discuss and assign tasks. Lisa Henne will coordinate the teleconference with OSE/ISC staff and Task Force members.

Suggested Future Agenda Items

- Invite panel for discussion on national context of settlements
- Invite delegation staff to provide insight on settlement issues